

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRENDA ANN SCHWARTZ and	:	CIVIL ACTION
PAUL GRANT SCHWARTZ, h/w	:	
Plaintiffs,	:	
v.	:	
	:	
ACCURATUS CORPORATION in its own	:	
right and as successor in interest to	:	
Accuratus Ceramic Corporation	:	
	:	
and	:	
	:	
MATERION BRUSH INC.	:	
c/o C T CORPORATION SYSTEM	:	
	:	NO: 5:12-cv-06189-JLS

**PLAINTIFFS' MOTION FOR VOLUNTARY DISMISSAL WITH PREJUDICE AND  
ENTRY OF FINAL JUDGMENT**

Through the undersigned counsel, plaintiffs, pursuant to Federal Rule of Civil Procedure 41(a)(2), hereby move the Court for an Order dismissing: (1) all claims against defendant Materion Brush Inc. with prejudice; and (2) the sole remaining claim against Accuratus Corporation (Count II abnormally dangerous activity claim) with prejudice, and entering final judgment in this matter. In support of this motion, plaintiffs state as follows:

1. Plaintiffs Brenda Ann Schwartz and Paul Grant Schwartz have entered into a confidential settlement agreement with Defendant Materion Brush Inc. that resolves all claims asserted against Materion Brush Inc.

2. Plaintiffs also seek voluntary dismissal with prejudice of the sole remaining claim against Defendant Accuratus Corporation, the abnormally dangerous activity claim, which is Count II of the Amended Complaint.

3. Because dismissal of all of the remaining claims against Materion Brush Inc. and Accuratus Corporation concludes this litigation, plaintiffs respectfully request an entry of judgment in this case, in accordance with the Court's order of March 25, 2014, granting certain motions to dismiss. Pursuant to Third Circuit precedent, entry of judgment is appropriate under these circumstances. *See Camesi v. University of Pittsburgh Medical Center*, 729 F.3d 239 (3d Cir. 2013); *Fair Wind Sailing, Inc. v. H. Scott Dempster*, No. 13-3305, 2014 U.S. App. LEXIS 17118 ( 3d Cir. 2014); *Trevino-Barton v. Pittsburgh National Bank*, 919 F.2d 874, 878 (3d Cir. 1990); *Fassett v. Delta Kappa Epsilon*, 807 F.2d 1150 (3d Cir. 1986).

WHEREFORE, plaintiffs respectfully request: (1) dismissal of all claims against Materion Brush Inc. with prejudice; (2) dismissal of the sole remaining claim against Accuratus Corporation (Count II abnormally dangerous activity claim) with prejudice; and (3) entry of a final judgment in this matter.

**Respectfully submitted,**

**GOLOMB & HONIK, P.C.**

RH2063  
**RUBEN HONIK, ESQUIRE**  
Attorney for Plaintiffs

Dated: September 19, 2014

### **CERTIFICATE OF SERVICE**

I, Ruben Honik, Esquire, counsel for plaintiff in the matter herein, hereby certify that a true and correct copy of the foregoing was served on the parties/counsel listed below this 19th day of September, 2014, via ECF:

Jeffery D. Ubersax Kyle T. Cutts Jones Day North Point 901 Lakeside Avenue Cleveland, OH 44114 <a href="mailto:jdubersax@JonesDay.com">jdubersax@JonesDay.com</a> <a href="mailto:kcutts@jonesday.com">kcutts@jonesday.com</a> <i>Counsel for Defendant Materion Brush Inc.</i>	Dennis R. Callahan Ward Greenberg Heller & Reidy LLP 1835 Market Street, Suite 650 Philadelphia, PA 19103 <a href="mailto:dcallahan@wardgreenberg.com">dcallahan@wardgreenberg.com</a> <i>Counsel for Defendant Materion Brush Inc.</i>
Wes Bridges, Esquire Becker Meisel LLC Woodland Falls Corporate Center 220 Lake Drive East, Suite 102 Cherry Hill, NJ 08002 <a href="mailto:wbridges@beckermeisel.com">wbridges@beckermeisel.com</a> <i>Counsel for Defendant Accuratus Corporation</i>	

**GOLOMB & HONIK, P.C.**

RH2063

**RUBEN HONIK, ESQUIRE**

Attorney for Plaintiffs

Dated: September 19, 2014

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

BRENDA ANN SCHWARTZ and	:	CIVIL ACTION
PAUL GRANT SCHWARTZ, h/w	:	
Plaintiffs,	:	
v.	:	
	:	
ACCURATUS CORPORATION in its own	:	
right and as successor in interest to	:	
Accuratus Ceramic Corporation	:	
	:	
and	:	
	:	
MATERION BRUSH INC.	:	
c/o C T CORPORATION SYSTEM	:	
	:	NO: 5:12-cv-06189-JLS

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2014, upon consideration of Plaintiffs Brenda Ann Schwartz and Paul Grant Schwartz's Motion for Voluntary Dismissal with Prejudice and Entry of Judgment, it is hereby ORDERED that said Motion is GRANTED and that all claims against Materion Brush Inc. are dismissed with prejudice, the remaining claim against Accuratus Corporation (Count II abnormally dangerous activity claim) is dismissed with prejudice, and final judgment is hereby entered in this matter in accordance with the Court's March 25, 2014 order granting certain motions to dismiss.

BY THE COURT:

\_\_\_\_\_  
Judge Jeffrey L. Schmehl